

# HOUSE BILL 972

E4, C8

(1lr2495)

## ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Building Codes – International Green Construction Code**

3 FOR the purpose of authorizing the Department of Housing and Community  
4 Development to adopt by regulation the International Green Construction Code;  
5 authorizing local jurisdictions to adopt and make local amendments to the  
6 International Green Construction Code ~~as an alternative to the Maryland~~  
7 ~~Building Performance Standards under certain circumstances~~; defining a  
8 certain term; *providing for a delayed effective date*; ~~altering a certain definition~~;  
9 and generally relating to the International Green Construction Code.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Safety  
12 Section 12–501, 12–503, and 12–504  
13 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 (2003 Volume and 2010 Supplement)

2 ~~BY repealing and reenacting, with amendments,~~  
3 ~~Article – State Finance and Procurement~~  
4 ~~Section 3 – 602.1(a)(2)~~  
5 ~~Annotated Code of Maryland~~  
6 ~~(2009 Replacement Volume and 2010 Supplement)~~

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Public Safety**

10 12–501.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) “Building” has the meaning stated in the International Building Code.

13 (c) “Department” means the Department of Housing and Community  
14 Development.

15 (d) (1) “International Building Code” means the first printing of the most  
16 recent edition of the International Building Code issued by the International Code  
17 Council.

18 (2) “International Building Code” does not include interim  
19 amendments or subsequent printings of the most recent edition of the International  
20 Building Code.

21 (e) (1) “International Energy Conservation Code” means the first printing  
22 of the most recent edition of the International Energy Conservation Code issued by the  
23 International Code Council.

24 (2) “International Energy Conservation Code” does not include interim  
25 amendments or subsequent printings of the most recent edition of the International  
26 Energy Conservation Code.

27 **(F) (1) “INTERNATIONAL GREEN CONSTRUCTION CODE” MEANS THE**  
28 **FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL**  
29 **GREEN CONSTRUCTION CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.**

30 **(2) “INTERNATIONAL GREEN CONSTRUCTION CODE” DOES NOT**  
31 **INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST**  
32 **RECENT EDITION OF THE INTERNATIONAL GREEN CONSTRUCTION CODE.**

1           **[(f)] (G)**     “Local jurisdiction” means the county or municipal corporation that  
2 is responsible for implementation and enforcement of the Standards under this  
3 subtitle.

4           **[(g)] (H)**     “Standards” means the Maryland Building Performance  
5 Standards.

6           **[(h)] (I)**     “Structure” has the meaning stated in the International Building  
7 Code.

8 12–503.

9           (a) (1)     The Department shall adopt by regulation, as the Maryland  
10 Building Performance Standards, the International Building Code, including the  
11 International Energy Conservation Code, with the modifications incorporated by the  
12 Department under subsection (b) of this section.

13                     (2)     The Department shall adopt each subsequent version of the  
14 Standards within 12 months after it is issued.

15           (b) (1)     Before adopting each version of the Standards, the Department  
16 shall:

17                             (i)     review the International Building Code to determine  
18 whether modifications should be incorporated in the Standards;

19                             (ii)    consider changes to the International Building Code to  
20 enhance energy conservation and efficiency;

21                             (iii)   accept written comments;

22                             (iv)    consider any comments received; and

23                             (v)     hold a public hearing on each proposed modification.

24                     (2) (i)     Except as provided in subparagraph (ii) of this paragraph,  
25 the Department may not adopt, as part of the Standards, a modification of a building  
26 code requirement that is more stringent than the requirement in the International  
27 Building Code.

28                             (ii)    The Department may adopt energy conservation  
29 requirements that are more stringent than the requirements in the International  
30 Energy Conservation Code, but may not adopt energy conservation requirements that  
31 are less stringent than the requirements in the International Energy Conservation  
32 Code.

1 (c) The Standards apply to each building or structure in the State for which  
 2 a building permit application is received by a local jurisdiction on or after August 1,  
 3 1995.

4 (D) IN ADDITION TO THE STANDARDS, THE DEPARTMENT MAY ADOPT  
 5 BY REGULATION THE INTERNATIONAL GREEN CONSTRUCTION CODE.  
 6 12-504.

7 (a) (1) A local jurisdiction may adopt local amendments to the Standards  
 8 if the local amendments do not:

9 [(1)] (I) prohibit the minimum implementation and enforcement  
 10 activities set forth in § 12-505 of this subtitle; or

11 [(2)] (II) weaken energy conservation and efficiency provisions  
 12 contained in the Standards.

13 (2) ~~INSTEAD OF ADOPTING AMENDMENTS TO THE STANDARDS~~  
 14 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LOCAL JURISDICTION MAY~~  
 15 ~~ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE AS AN~~  
 16 ~~ALTERNATIVE BUILDING CODE TO THE STANDARDS~~

17 (I) IF REGARDLESS OF WHETHER THE INTERNATIONAL  
 18 GREEN CONSTRUCTION CODE IS NOT ADOPTED BY THE DEPARTMENT UNDER §  
 19 12-503(D) OF THIS SUBTITLE, A LOCAL JURISDICTION MAY ADOPT THE  
 20 INTERNATIONAL GREEN CONSTRUCTION CODE.

21 (II) A LOCAL JURISDICTION MAY MAKE LOCAL  
 22 AMENDMENTS TO THE INTERNATIONAL GREEN CONSTRUCTION CODE.

23 (b) If a local jurisdiction adopts a local amendment to the Standards, the  
 24 Standards as amended by the local jurisdiction apply in the local jurisdiction.

25 (c) If a local amendment conflicts with the Standards, the local amendment  
 26 prevails in the local jurisdiction.

27 (d) A local jurisdiction that adopts a local amendment to the Standards shall  
 28 ensure that the local amendment is adopted in accordance with applicable local law.

29 (e) To keep the database established under this subtitle current, a local  
 30 jurisdiction that adopts a local amendment to the Standards shall provide a copy of  
 31 the local amendment to the Department:

32 (1) at least 15 days before the effective date of the amendment; or

1 (2) within 5 days after the adoption of an emergency local amendment.

2 ~~Article State Finance and Procurement~~

3 ~~§ 602.1.~~

4 (a) ~~(2) "High performance building" means a building that:~~

5 (i) ~~1. meets or exceeds the current version of the U.S. Green~~  
6 ~~Building Council's LEED (Leadership in Energy and Environmental Design) Green~~  
7 ~~Building Rating System Silver rating; or~~

8 ~~[(ii)] 2. achieves at least a comparable numeric rating~~  
9 ~~according to a nationally recognized, accepted, and appropriate numeric sustainable~~  
10 ~~development rating system, guideline, or standard approved by the Secretaries of~~  
11 ~~Budget and Management and General Services; OR~~

12 ~~(H) COMPLIES WITH THE REQUIREMENTS OF THE~~  
13 ~~INTERNATIONAL GREEN CONSTRUCTION CODE.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 ~~October 1, 2011~~ March 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.